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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/790,795 | 03/03/2004 | Mitsugi Tanaka | 117982 | 4360 |
| 25944 | 7590 | 04/21/2005 | EXAMINER | |
| OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | GHATT, DAVE A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/790,795 | Applicant(s) TANAKA, MITSUGI | |
| | Examiner Dave A. Ghatt | Art Unit 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-3, 6, 10-16 and 20-25 is/are rejected.
 7) ☐ Claim(s) 4, 5, 7-9 and 17-19 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/3/04 & 9/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-15 are objected to because of the following informalities: Claim 1 lines 6-8, “such that the second guide member is inserted into a second guide hole of the tape cassette before the first guide member is inserted into a first guide hole of the tape” appears to recite method steps in an apparatus claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 10-13, 15, 16, 20, 21, 22, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zinsmeyer et al. (US 5,383,733). As shown in Figures 1, 4 and 5, Zinsmeyer et al. teaches a tape printing apparatus that uses a tape cassette 10. With respect to claims 1, 16, and 25, as shown in Figure 1, Zinsmeyer et al. teaches the tape cassette having guide holes (shown generally at 36 and 37). Figure 1 also shows a guide hole 50. Figure 7 teaches the tape printing apparatus 14 having a tape cassette holder 16 comprising, a first guide member 31 and a second guide member 54, the first guide member having a height that is shorter than a height of the second guide member, such that the second guide member is inserted into a

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second guide hole of the tape cassette before the first guide member is inserted into a first guide hole of the tape cassette holder.

With respect to claims 6 and 16, Figure 7 of Zinsmeyer et al. teaches a third guide member 87, wherein the third guide member has a height that is taller than the first guide member 31 and that is shorter than the height of the second guide member 54. Insofar as structure is recited, Zinsmeyer et al. also teaches the third guide member 87 opposed to the first guide member 31, and the third guide member 87 holding a side of the tape cassette to lead the tape cassette to its correct position to maintain alignment of the tape cassette 10 and the first guide 31 member.

With respect to claims 10 and 20, as shown in Figures 7 and 8, the third guide member includes at least two members (ribs).

With respect to claims 11 and 21, as shown in Figures 5 and 7, the ribs 87 are provided vertically on a side wall of the tape cassette holder, and extend vertically in relation to a bottom wall of the tape cassette holder.

With respect to claims 12 and 22, as shown in Figure 7, the top ends of the ribs 87 are formed at an angle relative to a side wall of the tape cassette holder.

With respect to claims 13 and 16, as shown in Figure 4, the third guide member 87 is located on a wall of the tape cassette holder opposite the first guide member 31. As shown in Figure 7, the arrangement is such that the second guide member 54 is initially inserted in a second guide hole 50 of the tape cassette 10 and the tape cassette is held loosely in a correct position, the third guide member 87 contacts a side of the tape cassette 10 next to fix the tape

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cassette in the correct position tightly, and next the first guide member is inserted into the first guide hole of the tape cassette.

With respect to claims 15 and 24, insofar as structure is broadly recited, Zinsmeyer et al. teaches the claimed invention. As shown in Figures 4 and 5, the apparatus includes a print head 24, which, via connecting elements, is mounted to the first guide member 31.

4. Claims 1, 3, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojo (US 6,371,670). As shown in Figures 1-3, Kojo teaches a tape printing apparatus 1 that uses a tape cassette 21. With respect to claims 1 and 25, as shown in Figure 1, Kojo teaches the tape cassette having guide holes (26 and 28). Figure 3 teaches the tape printing apparatus 1 having a tape cassette holder comprising, a first guide member 11 and a second guide member 9, the first guide member having a height that is shorter than a height of the second guide member, such that the second guide member is inserted into a second guide hole of the tape cassette before the first guide member is inserted into a first guide hole of the tape cassette holder.

With respect to claim 3, as shown in Figure 3 Kojo teaches a tape cutting apparatus 13, including a movable cutter 14 and anvil 15, located close to the second guide member. As shown in Figure 5, Kojo teaches the cutting apparatus includes the movable blade 15 with anvil 14.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zinsmeyer et al. (US 5,383,733) in view of Purcell (US 4,623,592). As outlined in the above rejection to claims 1, 6, and 16, Zinsmeyer et al. teaches all the claimed structure including guides that form one unit with the tape cassette holder. See Figure 7. However Zinsmeyer et al. is silent as to the material of the guides. Purcell teaches a printer with a retaining guide 8 for retaining a ribbon cassette on the printer. See Figures 1 and 2. As taught in column 4 lines 37-40, Purcell teaches the guide made from plastic. To one of ordinary skill in the art, it would have been obvious to make the guides of Zinsmeyer in plastic, as taught by Purcell, because plastics have the advantage of providing flexibility in the cassette loading process.

Allowable Subject Matter

7. Claims 4, 5, 7-9, and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a tape printing apparatus having at least a first and second guide member, the first member guide member having a height that is shorter than a height of the second member, a tape cutting apparatus, wherein the anvil is provided on the second guide member.

Claim 5 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a tape printing apparatus having at least a first and second guide member, a tape cutting apparatus, wherein the anvil is located on the tape cassette.

Claim 7 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a third guide member, wherein the third guide member has a height that is taller than the first guide member and shorter than the second guide member, and a tape cutting apparatus wherein an anvil for the movable cutter blade is located close to the second guide member.

Claim 17 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a third guide member, the first guide member having a height that is shorter than a height of the second and third guide members, the second guide member having a height that is higher than the height of the first and third guide members, and a tape cutting apparatus wherein an anvil for the movable cutter blade is located close to the second guide member.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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